Remarks

Claims 10, 13 and 14 are amended. Claims 9 to 11, 13 and 14 are pending in this application of which only claims 13 and 14 are in independent form.

Claims 9 to 11, 13 and 14 were rejected under 35 USC 112, second paragraph, as being indefinite for the reasons set forth on page 2, paragraph 3, of the action. Here, the Examiner noted that certain limitations had no antecedent basis in claims 10, 13 and 14. These claims are all amended herein to provide the needed antecedents. Claims 10, 13 and 14 should now be definite as required by the statute.

Claims 9 to 11, 13 and 14 were rejected under 35 USC 102(b) as being anticipated by Bota. The following will show that these claims patentably distinguish the invention over this reference.

In the applicants' invention, in addition to applying a road speed controller as set forth in method claim 13, the braking force is maintained with the standstill of the vehicle as a parking brake function and the transmission is guided into a neutral or park position. Applicants call attention to the fact that there is only a movement out of the neutral or park position when a start-drive command of the driver is detected. This is clearly set forth in applicants' claim 13 with the clauses:

"detecting a start-drive command of

the driver when an operator-controlled element is actuated; and,

disengaging said parking brake function and controlling said automatic transmission out of said neutral position or said park position." (emphasis added)

What is significant here is that a movement out of the park or neutral position of the transmission takes place only when a start-drive command is detected. The start-drive command is described in the applicants' disclosure on page 9, starting at line 25, and includes, for example, the depression of the accelerator pedal by the driver. The start-drive command then requires a deliberate activity of the driver which relates directly to the start-drive movement of the vehicle. This is emphasized in the above-quoted clauses. What this means is that during the phase of standstill, the transmission position into neutral or park is held even when the brake pedal is released and, as set forth in claim 13, a deliberate activity of the driver issuing a start-drive command precedes not only the movement of the automatic transmission out of the neutral position but also the disengagement of the parking brake function. In the applicants' invention, this is what ensures the standstill condition of the vehicle.

In contrast to the applicants' invention, there is already a movement out of the neutral position of the transmission in Bota when the brake is released as shown in FIG. 4 by steps s4 and s7. Accordingly, standstill is no longer ensured with the solution of Bota.

Exhibit I is attached to this amendment and shows the situation at standstill of the vehicle for both the applicants' invention and Bota. At time point t0, the brake pedal is released (sketch A). In Bota, this leads to the situation that the transmission is switched over into the drive position (sketch C). The start-drive command of the driver (the actuation of the accelerator pedal in sketch B) at time point t1 is of no consequence in Bota. In contrast, in the applicants' invention (sketch D), a transmission switchover is only then undertaken when the start-drive command of the driver is detected, namely, at time point t1.

In addition to the above significant difference, the applicants submit that a further difference with respect to Bota is that the illustrated function is utilized with a road speed controller of a vehicle. In the action, the driver of the vehicle, as disclosed by Bota, is viewed as being equivalent to this road speed controller. A road speed controller which brakes a vehicle all the way to standstill and wherein measures are taken to ensure standstill without driver participation is neither mentioned nor suggested in Bota. In Bota, only the driver is decisive and there is no mention in this reference of ensuring a standstill condition. In Bota, simply the release of the brake pedal leads to a movement out of the transmission position which ensures standstill.

In view of the foregoing, applicants submit that claim 13 patentably distinguishes over Bota and should be allowable.

Claim 14 parallels claim 13 in an apparatus context and should likewise now be allowable.

The remaining claims 9 to 11 are all dependent from claim 13 so that these claims too should now be allowable.

Reconsideration of this application is respectfully requested.

Respectfully submitted,

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Version with Markings to show Changes Made:

In the Claims:

Please amend claims 10, 13 and 14 as follows:

10. (Twice Amended) The method of claim 13, wherein said vehicle includes a supply voltage and an electrical system, the method comprising a further step of maintaining the neutral position or the park position of the transmission when the supply voltage for the electrical systems of the vehicle is switched off; and, only then leaving the position of the transmission when the start-drive command of the driver is recognized.

13. (Amended) A method for ensuring standstill of a vehicle in combination with a road speed controller of the vehicle, the vehicle including a drive train incorporating an automatic transmission which provides and interrupts a force flow in the drive train, the method comprising the steps of:

braking the vehicle to standstill with said road speed controller of said vehicle;

building up and/or maintaining a braking force in the manner of a parking brake function when said standstill of said vehicle is detected;

interrupting the force flow in the drive train of said vehicle by controlling an automatic transmission into a neutral position or a park position;

detecting a start-drive command of the driver when an operator-controlled element is actuated; and,

disengaging said parking brake function and controlling said automatic transmission out of said neutral position or said park position.

14. (Amended) An arrangement for ensuring standstill of a vehicle in combination with a road speed controller of the vehicle, the vehicle including a drive train incorporating an automatic transmission which provides and interrupts a force flow in the drive train, the arrangement comprising a control unit which executes the following steps:

braking the vehicle to standstill with said road speed controller of said vehicle;

building up and/or maintaining a braking force in the manner of a parking brake function when said standstill of said vehicle is detected;

interrupting the force flow in the drive train of said vehicle by controlling an automatic transmission into a neutral position or a park position;

detecting a start-drive command of the driver when an operator-controlled element is actuated; and,

disengaging said parking brake function and controlling said automatic transmission out of said neutral position or said park position.

EXHIBIT I

Situation at Standstill